IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO. 325 OF 1998.

Shri Vinodkumar Shantilal
Gosalia, represented by his
Attorney Pravinkumar Shantilal
Gosalia, r/o Margao. ... Petitioner.

Versus

1. The State of Goa, through
   the Chief Secretary,
   Secretariat, Panaji.
2. The Secretary, Ministry
   of Mines, Secretariat,
   Panaji.
3. Director of Industries &
   Mines, Panaji.
4. The Revisional Authority
   through Secretary, Ministry
   of Mines, New Delhi. ... Respondents.

Mr. V.B. Nadkarni, Senior Advocate with Mr. Y.V. Nadkarni, Advocate for the Petitioner.

Mr. P.A. Kamat, Government Advocate for the Respondents.

Coram : N.N. MHATRE AND
P.V. HARDAS, JJ.

Date : 7th January 2004.

ORAL JUDGMENT (PER MHATRE, J.)

This petition has been filed in order to set aside the Orders, dated 3rd June 1991, of the authority under the Mines and Minerals (Regulation and Development) Act, 1957, as well as the Revisional Authority, dated 19th February 1998. It is the case of the petitioner that he was granted a lease, on 20th May 1968, for mining bauxite, for a period of 30 years. The contract was entered into by the petitioner and one M/s. Agrawal Minerals (Goa) Pvt. Ltd., for raising the ore from the Mines. A show cause notice was issued on 18th

December 1990, to the petitioner, directing him to show cause why the lease granted to him should not be determined, as he had breached the conditions of the Covenant 17(1) of Part VII of the mining lease deed. A reply was filed on 21st January 1991 by the petitioner. An Order was passed, on 3rd June 1991, determining the lease of the petitioner. Being aggrieved by this Order, the petitioner preferred a revision before the Central Government. The Revisional Authority declined to interfere with the impugned Order and dismissed the application on 19th February 1998.

2. After hearing the advocates for some time, we have found that the impugned Order of 3rd June 1991 does not disclose any application of mind to the reply filed by the petitioner. It does not indicate that the petitioner's reply has been considered. This Order is, therefore, required to be set aside. The Revisional Authority also has not considered the contentions raised on behalf of the petitioner including the submission that the show cause notice was vague, but, instead has considered the inspection report, a copy of which was not furnished to the petitioner. This approach of the Revisional Authority also is incorrect and is required to be set aside. Accordingly, the impugned Orders are set aside.

3. The show cause notice itself is vague. In view of this, the respondent no. 1 may issue a fresh show cause notice, if so advised, within a period of 3 weeks from today, specifically delineating the grounds on which the show cause notice is being issued. The petitioner shall file a reply to the show cause notice within 2 weeks thereafter. The petitioner shall be furnished with all material, which the Department wishes to rely on. The authority to decide the show cause notice within a period of 4 weeks from the date the petitioner files his reply, in accordance with law and by observing the rules of natural justice.

4. In the circumstances, Rule made absolute with no order as to costs.

(NISHITA MHATRE)
JUDGE.

(P.V. HARDAS)
JUDGE.

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